

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NOVO NORDISK, INC.,)	
)	Case No. 3:23-cv-668
Plaintiff,)	
)	District Judge Crenshaw
v.)	
)	
DCA PHARMACY,)	
)	Jury Demand
Defendant.)	

MOTION TO DISMISS

Comes now the Defendant, DCA Pharmacy, and moves this Court for the dismissal of the complaint filed herein pursuant to Federal Rules of Civil Procedure, Rule 12(b)(1) or in the alternative, Federal Rules of Civil Procedure, Rule 12(b)(6) due to (1) Plaintiff, Novo Nordisk, Inc's ("Plaintiff") failing to adequately plead an injury recoverable under Tennessee law and therefore lacking standing and (2) Plaintiff's sole claim in this action being preempted by the Federal Food, Drug, and Cosmetic Act.

In support of the motion filed herein, Defendant relies upon the memorandum of law filed herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on January 31, 2024, I filed the foregoing document via the Court's electronic filing system, which will automatically notify and send a copy of the filing to:

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